

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

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|---------------------------|---|--------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 3:07-CR-44 |
| |) | (PHILLIPS/SHIRLEY) |
| DANIEL RAMSEY, |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This matter came before the Court on November 2, 2007 for an arraignment as to the Second Superseding Indictment [Doc. 172], filed on October 17, 2007, and a Motion Hearing on Defendant Ramsey's Demand for a Speedy Trial [Doc. 160], filed on October 19, 2007. Assistant United States Attorney Hugh Ward ("AUSA Ward") appeared on behalf of the government. Attorney Douglas Trant ("Attorney Trant") appeared on behalf of the Defendant, who was also present.

In his motion, Defendant Ramsey demands a speedy trial and requests the Court revisit his detention. In support of his motion, Defendant argues that it appears some of his co-defendants have positioned themselves in such a way to necessitate a continuance of the December 17, 2007 trial date. However, this Court notes that no motion for continuance has been filed and the trial in this matter is still set for December 17, 2007 before District Judge Thomas Phillips. Thus, Defendant's Demand for a Speedy Trial is premature. The Court further notes, in the event a

continuance in this case is necessary, under Doggett v. United States, 505 U.S. 647, 652 (1992), a delay approaching one year is presumptively prejudicial and Defendant was arrested in May 2007, which provides for a trial date to be rescheduled before reaching prejudicial delay.

Defendant Ramsey also requests this Court revisit his detention. However, under 18 U.S.C. § 3142(f)(2)(B), a detention hearing “may be reopened ... at any time before trial if the judicial officer finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person and the community.” At the hearing, Attorney Trant advised this Court there was no new basis or information for revisiting detention. Thus, Defendant’s request to revisit detention is denied.

Accordingly, Defendant Ramsey’s Demand for a Speedy Trial [**Doc. 160**] is **DENIED.**

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge